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6 IN THE UNITED STATES DISTRICT COURT
7 FOR THE DISTRICT OF ARIZONA

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9 Anne Rowe,) No. CV-11-0157-PHX-FJM
10 Plaintiff,) **ORDER**
11 vs.)
12 Maricopa County Library District,)
13 Defendant.)
14 _____)
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17 The court has before it defendant's motion to dismiss (doc. 8). Plaintiff did not
18 respond to the motion and the time for doing so has expired. See LRCiv 7.2(c).

19 Plaintiff filed this *pro se* complaint asserting that she was discharged from her
20 employment with the Maricopa County Library District while she was on medical leave.
21 While the complaint does not identify the legal basis for her claim, it does reference the
22 charge of discrimination filed with the Equal Employment Opportunity Commission
23 ("EEOC"), which asserted a claim under the Americans with Disabilities Act ("ADA"). See
24 Response, ex. A.

25 Defendant moves to dismiss the complaint for failure to state a claim upon which
26 relief can be granted, for failing to assert the basis for this court's jurisdiction, and for failing
27 to file a timely charge with the EEOC. We agree that plaintiff's complaint fails to satisfy the
28 pleading standards set forth in Rule 8(a), Fed. R. Civ. P., and dismiss the complaint on this

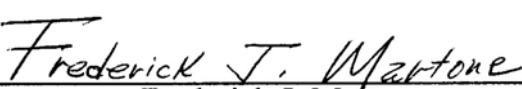
1 basis. We also agree that her failure to file a timely administrative charge of discrimination
2 bars this action.

3 Plaintiff alleges that she was terminated from employment on September 2, 2009. She
4 filed a charge of discrimination with the Civil Rights Division of the Arizona Attorney
5 General's Office and the EEOC on October 28, 2010, 421 days after her discharge, asserting
6 a claim under the ADA. Motion, ex. A. The timely filing of a charge with the EEOC or state
7 agency is a prerequisite to asserting a claim under the ADA. 42 U.S.C. § 12117(a). Plaintiff
8 was required to file her charge of discrimination within 300 days of the challenged
9 employment practice—in this case, her termination. See 42 U.S.C. § 2000e-5(e)(1). Because
10 plaintiff did not file her claim within 300 days of her discharge, her claim is time-barred.
11 National R.R. Passenger Corp. v. Morgan, 536 U.S. 101, 109, 122 S. Ct. 2061, 2070 (2002).

12 Accordingly, **IT IS ORDERED GRANTING** defendant's motion to dismiss (doc.
13 8). The clerk shall enter final judgment.

14 We urge plaintiff to seek the advice of counsel. If she does not have a lawyer, she
15 may wish to call the Lawyer Referral Service of the Maricopa Bar Association at 602-257-
16 4434.

17 DATED this 10th day of June, 2011.

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20 Frederick J. Martone
United States District Judge

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